

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Birdie Crathers

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Kansas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Kansas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Kansas

7. District Court and Division in which venue would be proper absent direct filing:

Kansas District Court

8. Defendants (check Defendants against whom Complaint is made):

 C.R. Bard Inc.

 Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

 Diversity of Citizenship

Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express (G2®X) Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other: _____

11. Date of Implantation as to each product:

August 7, 2013

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*

- Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable Kansas Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact including for the following: (please state the facts supporting this Count in the space immediately below)

On August 7, 2013, Ms. Crathers had a Bard Denali filter installed in her inferior vena cava. As a result Ms. Crathers has suffered damages in an amount to be proven at trial.

13. Jury Trial demanded for all issues so triable?

- Yes
 No

1 RESPECTFULLY SUBMITTED this 5th day of May, 2016.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ Robert W. Boatman

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 *Attorneys for Plaintiffs*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 5th day of May, 2016, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
15 of a Notice of Electronic Filing.

16 /s/Deborah Yanazzo